

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MEMORANDUM AND ORDER

These matters came before the Court today in a hearing to determine the fairness of the proposed settlement in the above-captioned cases that were brought under the Securities Exchange Act, 15 U.S.C. § 78m(a), claiming misleading disclosures and omission of material disclosures in filings with the Securities and Exchange Commission. The Court is inclined to enter an order approving the settlement, but is not inclined to approve the requested award of attorneys' fees that has been presented to the Court. The Court has two primary concerns: One, the outcome of the case in relation to the fee sought, and two, the short period of time between filing suit in these cases and the achievement of the Plaintiffs' objective, which, as stated by Plaintiffs' counsel, Mr. Monteverde, in the hearing, was simply to get corrected and supplemental disclosures as to value and projections. Counsel acknowledged that the settlement was reached after only a few days of negotiation.

As for the amount requested, \$1,250,000, Mr. Monteverde stated that the hourly rates are consistent with those charged in New York City and are also consistent with the Laffey matrix,

which is used by courts in the District of Columbia to assess reasonableness of attorneys' fees.¹ The Court, however, is inclined to approve a fee award of a million dollars or less, depending upon the content of a resubmitted request. The Court now directs Plaintiffs' counsel to file a new motion for approval of the settlement including information consistent with the Fourth Circuit's standard for assessing the appropriateness of attorneys' fees, *see In re Abrams & Abrams*, 605 F.3d 238, 244 (4th Cir. 2010), and with the methodology set forth in this Court's Rules and Guidelines for Determining Attorneys' Fees in Certain Cases, Appendix B, Local Rules (D. Md. 2016). A proposed order should also be submitted. Plaintiffs' counsel shall file the revised motion and draft order within ten days of this order.

SO ORDERED.

DATED this 27th day of October, 2017.

BY THE COURT:

/s/
James K. Bredar
Chief Judge

¹ The Laffey matrix has not been generally accepted in the District of Maryland as indicative of rates customarily charged by attorneys and their staffs within this District.